

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

Fifth Third Bank, National Association,

Plaintiff,

v.

Eric Priceman and Kathleen Priceman,

Defendants.

Case No.

Property Address:
1143 Woodbine Ave.
Oak Park, IL 60302

COMPLAINT FOR FORECLOSURE OF JUDGMENT LIEN

Fifth Third Bank, National Association, by and through its attorneys, Dinsmore & Shohl LLP, for its Complaint for Foreclosure of Judgment Lien, respectfully states as follows:

JURISDICTION & VENUE

1. This Court has original subject matter jurisdiction in the above-captioned case pursuant to 28 U.S.C. 1332(a) because the matter in controversy is between citizens of different states, and the damages claimed exceed the sum of \$75,000.00, exclusive of interests and costs.

2. This Court has personal jurisdiction over the defendants pursuant to 735 ILCS 5/2-209(a) and (b).

3. Venue is proper in this District because the lien at issue herein is secured by property located in this District and because a substantial part of the events or omissions giving rise to the claim occurred here. *See* 28 U.S.C. § 1391.

THE PARTIES

4. Fifth Third Bank, National Association (“Fifth Third”) is a national banking association organized under the laws of the United States, incorporated in Ohio, and with its main office in Cincinnati, Ohio. Accordingly, Plaintiff is a citizen of the State of Ohio and is not considered a citizen of the State of Illinois for the purposes of 28 U.S.C. § 1332.

5. Eric Priceman a/k/a Eric. E. Priceman (“Mr. Priceman”) is an individual and a citizen of the State of Illinois and is joined as a party because he is a record owner of the property described below.

6. Kathleen Priceman is an individual and a citizen of the State of Illinois and is joined as a party because she is a record owner of the property described below.

FACTUAL BACKGROUND

7. On June 29, 2023, Fifth Third filed its Complaint in the matter of *Fifth Third Bank, National Association v. Planter, Inc. and Eric. E. Priceman* in the United States District Court Northern District of Illinois, which was assigned case number 1:23-cv-04194 (the “Complaint”). The Complaint concerned a commercial debt obligation entered into by Planter, Inc. and guaranteed by Mr. Priceman (collectively, the “Judgment Debtors”).

8. On December 12, 2023, the Honorable Nancy L. Maldonado entered a “Final Judgment Order,” which rendered judgment in favor of Fifth Third and against Planter, Inc. and Eric. E. Priceman in the amount of \$394,963.52 (the “Judgment”). A true and correct copy of the Judgment is attached hereto as “**Exhibit A.**”

9. On January 9, 2024, the Honorable Nancy L. Maldonado entered a “Recordable Memorandum of Judgment,” which memorized the Judgment in a recordable format (the “Memorandum of Judgment”). The Memorandum of Judgment was subsequently recorded with the Cook County Clerk on January 12, 2024, as Doc#2401241134. A true and correct copy of the Memorandum of Judgment is attached hereto as “**Exhibit B.**”

10. The Judgment Debtors have failed to satisfy the Judgment, and accordingly, Fifth Third files this Complaint for Foreclosure to foreclose on the Memorandum of Judgment as permitted by 735 ILCS 5/12-101.

COUNT I
FORECLOSURE OF JUDGMENT LIEN

11. Plaintiff re-alleges paragraphs 1 through 10 of this Complaint as though fully set forth herein.

12. Information concerning the lien:

- a. Nature of instrument: Recordable Memorandum of Judgment
- b. Date of instrument: January 9, 2024
- c. Name of lienholder: Fifth Third Bank, National Association
- d. Date and place of recording: January 12, 2024, with the Cook County Clerk
- e. Identification of recording: Doc#: 2401241134
- f. The amount of original indebtedness under the lien is \$394,963.52.
- g. The legal description of real estate and the common address or other

information sufficient to identify it with reasonable certainty:

LOT 2 IN BLOCK 5 IN SALINGER AND HUBBARD'S KENILWORTH BOULEVARD ADDITION TO OAK PARK, A SUBDIVISION OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly Known As: 1143 Woodbine Ave., Oak Park, IL 60302
Permanent Identification No.: 16-06-109-002-0000

h. Statements as to default: Judgment Debtors have failed to satisfy the
Judgment

i. Statement as to the unpaid amount due: \$394,963.52, plus interest per statute, if applicable.

j. Name of present owners of the real estate: Eric Priceman and Kathleen Priceman.

k. Capacity in which Plaintiff brings this foreclosure: Plaintiff is the legal holder of the lien.

l. The names of defendants whose right to possess the mortgaged real estate is sought to be terminated: Eric Priceman and Kathleen Priceman.

m. Facts in support of a shortened redemption period or that the right of redemption was waived: Plaintiff reserves the right to seek a shortened redemption.

n. Facts in support of a shortened reinstatement period or that the right of was waived: Plaintiff reserves the right to seek a shortened reinstatement period.

o. Facts in support of a request for appointment of a mortgagee in possession or appointment of a receiver: Plaintiff reserves its right to be placed as a mortgagee in possession or have a receiver appointed.

For relief, Plaintiff requests:

- I. A judgment to foreclose and sale;
- II. An order granting possession, if sought;
- III. A judgment for attorneys' fees, costs, and expenses, if sought; and
- IV. Such other relief as this court may deem just and equitable.

Dated: September 26, 2024

Respectfully submitted,

DINSMORE & SHOHL LLP

By: /s/ Alexander N. Wright

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